

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chen et al.

Serial No. 10/511,636

Filed: October 18, 2004

For: Ophthalmic Compositions for Treating Ocular Hypertension

Art Unit: To be AssignedExaminer: To be Assigned

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
 UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Christie Doss Date 2/18/05

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| RELATED APPLICATION |             |            |
|---------------------|-------------|------------|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE |
|                     |             |            |
|                     |             |            |
|                     |             |            |
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If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Sylvia A. Ayler  
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Date: February 16, 2005

**Substitute for form 1449A/PTO**

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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**COMPLETE IF KNOWN**

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|------------------------|------------------|
| Application Number     | 10/511,636       |
| Filing Date            | October 18, 2004 |
| First Named Inventor   | Chen [REDACTED]  |
| Group Art Unit         | To be Assigned   |
| Examiner Name          | To be Assigned   |
| Attorney Docket Number | 21101YP          |

## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | U.S. Patent Document |                      | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|--------------------|----------|----------------------|----------------------|---|--|
|                    |          | Number               | Kind Code (if known) |   |  |
|                    | 1.       | 4,386,098            |                      | Woltersdorf, Jr. et al.                         | 05/31/1983                                       |
|                    | 2.       | 4,416,890            |                      | Woltersdorf, Jr. et al.                         | 11/22/1983                                       |
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|                    | 4.       | 4,668,697            |                      | Shepard et al.                                  | 05/26/1987                                       |
|                    | 5.       | 4,863,922            |                      | Baldwin et al.                                  | 09/05/1989                                       |
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|                    | 9.       | 5,153,192            |                      | Dean et al.                                     | 10/06/1992                                       |
|                    | 10.      | 4,824,857            |                      | Goh et al.                                      | 04/25/1989                                       |
|                    | 11.      | 4,883,819            |                      | Bito  | 11/28/1989                                       |
|                    | 12.      | 5,001,153            |                      | Ueno et al.                                     | 03/19/1991                                       |
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|                    | 14.      | 5,573,758            |                      | Adorante et al.                                 | 11/12/1996                                       |
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|                    |          |                      |                      |   |  |
|                    |          |                      |                      |   |  |
|                    |          |                      |                      |   |  |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent Document |        |                         | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|--------------------|----------|-------------------------|--------|-------------------------|---|--|
|                    |          | Office                  | Number | Kind Code<br>(if known) |   |  |
| 16.                | PCT      | WO 89/10757             |        | A1                      | Leo Pharmaceutical Products Ltd.                | 11/16/1989                                       |
| 17.                | PCT      | WO 94/28900             |        | A1                      | Vide Pharmaceuticals                            | 12/22/1994                                       |
| 18.                | PCT      | WO 96/33719             |        | A1                      | Allegan   | 10/31/1996                                       |
| 19.                | PCT      | WO 04/037786            |        | A2                      | Merck Frosst Canada & Co.                       | 05/06/2004                                       |
| 20.                | PCT      | WO 04/004717            |        | A2                      | Merck & Co. Inc.                                | 06/12/2003                                       |
| 21.                | PCT      | WO 03/103664            |        | A1                      | Merck Frosst Canada & Co.                       | 12/18/2003                                       |
| 22.                | PCT      | WO 04/019938            |        | A1                      | Merck Frosst Canada & Co.                       | 03/11/2004                                       |
| 23.                | PCT      | WO 04/085430            |        | A1                      | Merck Frosst Canada & Co.                       | 10/07/2004                                       |
|                    |          |                         |        |                         |   |  |
|                    |          |                         |        |                         |   |  |

Examiner  
Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

**Substitute for form 1449B/PTO**

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STATEMENT BY APPLICANT**

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| <b>COMPLETE IF KNOWN</b> |                  |
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| Group Art Unit           | To be Assigned   |
| Examiner Name            | To be Assigned   |
| Attorney Docket Number   | 21101YP          |

## NON PATENT LITERATURE DOCUMENTS

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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